

As many of you are aware, the County has proposed to adopt a new Rubbish Ordinance to replace the existing Rubbish Ordinance that has been in effect since last year. On May 25, 2011, pursuant to 30-15-401 of the Colorado Revised Statutes, the County adopted Ordinance 11-01 titled, "An Ordinance regarding the Accumulation and Removal of Rubbish, Nuisances, and Junked/Inoperable Motor Vehicles in Elbert County." Ordinance 11-01 became effective on June 29, 2011 and has remained in effect ever since.

The County desires to change Ordinance 11-01 and may do so in one of two ways. The County may either amend the ordinance or adopt a new ordinance and replace the existing ordinance. The County has chosen to adopt a new ordinance and is currently in process of following statutory guidelines to do so.

Ordinance 12-01, titled, "An Ordinance regarding the Accumulation and Removal of Junk and Rubbish in Elbert County," was introduced to the Board of County Commissioners during the May 9, 2012 BOCC Meeting for a first reading. The first reading was adopted and it was ordered that Ordinance 12-01 be published in the Elbert County News and that a second and final reading be scheduled at a public hearing of the Board of County Commissioners no sooner than ten days after the date of such publication. The anticipated date of publication is tomorrow, May 24, 2012.

The proposed ordinance, Ordinance 12-01, is not a dramatic shift from the current rubbish ordinance. Ordinance 12-01 consolidates definitions, designates the Sheriff to pursue violations, and provides improved efficiency for enforcing violations while adhering to the statutory guidelines as provided under C.R.S. § 30-15-401.

Multiple sections of Ordinance 12-01 mirror that of Ordinance 11-01. For example, the penalty fee schedule for violations is unchanged. The issuance of a Notice and Order is still required. The County is still obligated to obtain an administrative entry and seizure warrant from a county or district court before entering property to remove violations. The Ordinance does not apply to industrial tracts of ten or more acres nor does it apply to agriculturally zoned land.

It is the objective of this Board to protect the public health, safety, and welfare of the residents of this County. We believe Ordinance 12-01 better equips the County to confront the accumulation of rubbish and junk in our County.